

Minutes
Zoning Commission Work Session
January 14, 2020, 5:00 p.m.
City-County Building, Room 226

Commission Members Present:

Mike McCabe
Mark Ophus
Rebecca Harbage
Jerin Borrego
Kim Wilson

Staff Present:

Sharon Haugen, Community Development Director
Lucy Morrel-Gengler, Planner II
Hillary Taylor, Planner II
Stefani Reinhardt, Administrative Assistant III

Call to Order & Staff Introduction:

Meeting began at 5:15 pm with introduction.

Recap Since Last Meeting:

City staff began by briefly updating commissioners since the previous meeting. City staff presented to the commissioners the schedule for the coming months as well as the proposed scope of work.

On Monday, January 13th, the City Commission approved the updated CUP process and dimensional standards. Due to these changes, City staff informed the Zoning Commissioners that the CUP requests would look different moving forward.

Discussion Topics:

First, City staff had the commission direct their attention to the definitions identified in the Zoning Chapter (Title 11) of the City Code, Chapters 2 and 4. Then, suggested they conclude by looking over the Zoning District Table in Title 11, Chapters 2 and 3.

Currently, there are definitions in Chapters 1, 2, and 4; in addition to other places in Title 11. Some of these definitions are not in the right place, for example the definition for Dwelling Units is located in Chapter 4 but not in Chapter 2. City staff would like the commissions help to make sure there aren't any inconsistencies.

Commissioner McCabe suggested all definitions be located together in one area that can then be cross-referenced.

City staff briefly outline Title 11 as a reference for the commissioners. Below is a list of Chapters within Title 11 – Zoning:

- Chapter 1: ADMINISTRATION AND ENFORCEMENT
- Chapter 2: LAND USES
- Chapter 3: CONDITIONAL USES
- Chapter 4: DISTRICT DIMENSIONAL STANDARDS
- Chapter 5: BOARD OF ADJUSTMENT
- Chapter 6: NONCONFORMING USES AND BUILDINGS
- Chapter 7: MOBILE HOME PARKS
- Chapter 8: RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS
- Chapter 9: DOWNTOWN DISTRICT AND TRANSITIONAL RESIDENTIAL DISTRICT
- Chapter 10-15: RESERVED
- Chapter 16: T TRANSITIONAL DISTRICT

Chapter 17-21: RESERVED
Chapter 22: OFF STREET PARKING
Chapter 23: GENERAL SIGN REGULATIONS
Chapter 24: LANDSCAPING
Chapter 25: PLANNED UNIT DEVELOPMENTS
Chapter 26: HOME OCCUPATIONS
Chapter 27-34: RESERVED
Chapter 35: AIRPORT ZONING REGULATIONS
Chapter 36: AIRPORT NOISE INFLUENCE DISTRICT
Chapter 37: RESERVED
Chapter 38: DAYCARE FACILITY
Chapter 39: RESERVED
Chapter 40: ESTABLISHMENT OF AREAS THAT ALLOW THE SALE OF ALCOHOLIC BEVERAGES AND CASINOS WITHIN CITY LIMITS

Sharon reminded the group what when the CUPs were updated, City staff also assured the City Commission they'd review the uses to see if there were any that were/were not considered a CUP based on the new conditions. Specifically, some of the definitions on the Land Use table need to be updated to align with the new CUP conditions. For example, educational facility is not referenced as being permitted anywhere in the Title, yet it has a definition on the chart as being for instructional, higher education, and K-12. Yet, a preschool is not clearly defined and as a result the City has deferred to using the definition under "daycare" for preschools.

City staff proposed to bring back a first draft of definitions for Title 11, Chapters 2 and 4, at the next work session in February.

Commission members asked City staff what kind of outreach they planned to do in order to get stakeholders more involved, citing the "transparency" initiative put forth by the City Commission, it would be beneficial to publish all work session and regular meeting agendas where the public can access them. The group agreed the public outreach portion used during the Sign Ordinance process proved to be effective.

City Staff confirmed the media was being notified with a copy of the agenda for each work session and regular scheduled meeting. However, City staff acknowledged they could also post the agenda to the City's Facebook page and website. The suggestion was also made to give the public the ability to submit comments to the website that could then later be addressed during the meeting itself.

Sharon Haugen suggested sending a notification to the Chamber of Commerce, HCC, HBIA, realtors, as well as local design professional such as contractors and engineers in the area.

City staff posed the question on whether local professionals should be invited to a specific meeting and the group suggested that City staff just make it apparent via outreach that local design professionals are invited to participate in the meetings.

Commissioner Harbage suggested we do our own research first and based on work sessions, we invite everyone and send direct invites to specific stake holders depending on the information collected in work sessions. She also stated it would be a good general practice to start posting our Agenda's to the City website's calendar as well as notify our identified stakeholder groups that the Zoning Commission is starting to have work sessions to consider these topics and will likely result in a community meeting.

The current uses have not been updated for about eleven (11) years and the following list outlines new uses that have come about in that time and need to be incorporated into Title 11:

- Air BnBs
- Short term rentals (May need to ask City Commission first, to see if they want to go through the process of regulating/licensing them.)
- Medical/Recreational Marijuana Dispensaries
- Food Trucks (Food Truck Lot – look at other cities that do this)
- Coffee Kiosk (any kiosk)

Commissioner Harbage stated it would take two separate processes to clean up existing definitions compared to coming up with new ones. She suggested that City staff confer with citizens and stake holders prior to creating new definitions.

Commissioner Ophus asked City staff how often certain definitions are asked about, specifically light industrial uses, and should those be included in this update.

Sharon Haugen confirmed there are certain things that come up from time to time and the City has periodically had to define them, citing the common issue of not having a clear enough distinction. This ties back to the City's proposal to clean-up existing definitions. City staff also stated the desire to combine definitions that have the same impacts.

Commissioner Ophus also asked City staff to consider listing why certain uses were/were not acceptable in certain districts.

City staff will go through the existing definitions and then present them to the commission at the next work session. In the meantime, City staff encouraged the commissioners to contact them if they found any issues before February's meeting.

Commissioner Harbage cited the following issues she came across to City staff:

- Animal shelter may include a crematorium (not that different from human crematorium)
- Bed and Breakfast vs. Country Inn
- Daycare facilities
- Medical waste – burning being talked about
- Commercial Kennel vs. Animal Shelter
- Carnivals vs. Circuses (Outdoor concerts)
- Temporary uses in general
- Parking lots (Considered a "Parking Lot" if it's associated with the business or building)
 - Accessory Uses as defined alternative
- Educational facilities – what about preschools.
- Administrative Government Offices vs. General Professional Offices
- Fuel sales vs. Independent Electric Charging stations (Charging stations not yet defined)

Commissioner Wilson suggested the City come up with draft definitions for newer uses that currently exist in the community, such as food trucks and Air BnBs.

Commissioner Ophus asked how the City currently regulates Food Trucks. City staff explained they must:

- Be located in a district that allows restaurants;
- If they are exclusive to the City, then they must have a ROW use agreement; and
- They are not required to provide parking.

The group noted how other cities have Food Truck parking lots designated specifically for them, so they are off the street. Commissioner Ophus mentioned the Farmer State Bank being built on Montana Ave and Cedar Street has a permanent food truck parking spot on their property. There's also a food truck parked and operated periodically next to the old Blue Cross Blue Shield building on Benton Ave. The group agreed there was a need to draft a definition for food trucks. Sharon Haugen also suggested looking at either Bozeman or Missoula for short term rentals since one of them recently completed the zoning regulations around it.

Commissioner McCabe suggested changing the format of the Land Use Chart, so it is easier to read. Commissioner Harbage stated this would be a good place to get public input as well. She explained it would be beneficial to list different uses under each zone and whether they are allowed or not, since it's likely people are inquiring about the zone they currently live in. But also, to have the means to look at a project from the opposite as if they have a specific use in mind and want to know which zones it is allowed in.

Next Steps:

- Definitions will be addressed in February
- Land Use table will be tackled in March
- Community Meeting in April
- Work Session in May
- Public Hearing in June

Commissioners with potential schedule conflicts:

- Commissioner Ophus gone in February
- Commissioner Wilson is a maybe for February & gone in May
- Commissioner Borrego gone in March

City staff requested that any other definitions the Commissioners think about, be emailed to Hillary Taylor at htaylor@helenamt.gov.

Commissioner Harbage requested the group take the necessary time to conclude their discussions at each meeting rather than beginning a discussion and then waiting until the next month to finish the same discussion. Sharon Haugen suggested they add an agenda item to set aside a half hour to generally discuss use chart direction.

The group discussed the future of casinos and if they should be allowed at all rather than just defined in the City of Helena. Commissioner Harbage asked if it was possible to limit casinos based on the number of liquor licenses that are available. This posed the question of if the City had the authority to impose that regulation or if it was up to the State Legislature. Sharon Haugen suggested they revisit this when they begin addressing the Land Use Chart.

Commissioner Harbage inquired about the CUP granted for the new U-Haul building, siting the lighting as being beyond what they proposed. City staff stated they would follow-up with the concern and see if it meets the lighting ordinance.

In addition, Commissioner Harbage questioned whether they had conditioned the CUP to include landscaping as a requirement. City staff confirmed there were no conditions imposed on that CUP. Commissioner McCabe recalled a large discussion about trees during their hearing and Sharon Haugen confirmed they committed to that. There was also discussion about ordering a sidewalk, but ultimately it was not ordered because the City Commission can order a sidewalk in at any time. Commissioner Harbage wanted clarification citing she recalled they did not impose conditions since the Zoning Commission had the conversation that if the CUP were approved, then the applicant would be held to the site plan that included landscaping at the time. City staff stated they would look over the CUP and noted there was a City ordinance that did clearly state that complying with the proposed site plan was considered a requirement.

In addition, Commissioner McCabe noted the outside storage was being constructed as they indicated by square footage, however the location of the storage units was much closer to the street than originally proposed. The group recalled the applicant stating the only thing that would be near the street were trucks for advertising purposes. Sharon Haugen stated the City would go back and check to make sure they were in compliance as well as not creating a ROW violation.

Next Meeting:

The next regularly scheduled meeting is February 11, 2020.

Adjournment:

Meeting adjourned at 6:40 PM.